

#4  
Rec'd PCT/PTO 25 JUL 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV619645335US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 25, 2005

Signature: Linda Blake  
(Linda Blake)

Docket No.: CytRx/016  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Csakai et al.

Application No.: 10/501,029

Confirmation No.: 3625

International Filing Date: January 10, 2003

Art Unit: Not Yet Assigned

Title: Carboxamidine Derivatives and Their Use in the  
Treatment of Vascular Diseases

Examiner: Not Yet Assigned

**STATEMENT OF FACTS IN SUPPORT OF THE PETITION UNDER 37 CFR 1.47(a)**

MS PCT  
PCT Legal Administrator  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Dr. László Dénes was employed by Biorex Kutató és Fejlesztő Rt. ("Biorex") until early 2003 when Biorex ceased operations, and participated in the conception of the subject matter disclosed in PCT Application No. PCT/HU03/00003, filed January 10, 2003, from which the above-referenced US Application Serial No. 10/501,029 (the "Application") was filed under 35 U.S.C. § 371.

2. To the best of my knowledge, Dr. László Dénes is a co-inventor with Ms. Zita Jegesné Csákai, Ms. Ede Márványos, Dr. László Ürögdi, and Ms. Magdolna Bathóné Török of the Application.

3. Dr. Dénes, by virtue of his Employment Agreement (the "Agreement") with Biorex, had, and still has, an obligation under the Agreement to assign all of his rights in and to the invention, and all related patent applications, to Biorex. Biorex assigned its rights to the Application to CytRx Corporation ("CytRx") in October 2004.

07/29/2005 HKAYPAGH 00000045 181945 10501029

02 FC:1464

130.00 DA

16501029  
Sale Ref: 00000002 DA#: 181945 10501029  
01 FC:1463 200.00 DA

Legal Staff  
International Division

7 NOV 2005

RECEIVED

4. The Application entered PCT national phase in the United States Patent and Trademark Office on July 9, 2004 with a declaration that did not comply with 37 CFR 1.497(a) and (b) in that it was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

5. Dr. Dénes' last known mailing address is:

Szarvas Gábor u. 55, H-1225 Budapest Hungary.

6. On March 11, 2005, Hungarian associates, S.B.G.&K. Patent and Law Offices ("SBGK"), mailed a copy of the Application as filed, along with a copy of the Declaration for Dr. Dénes' signature, to Dr. Dénes at his last known mailing address by an equivalent of Certified Mail with Return Receipt.

7. On March 17, 2005, Dr. Dénes contacted Mr. Ádám Szentpéteri at SBGK and expressed hesitancy regarding signing the Declaration but did not refuse outright to sign the Declaration.

8. By May 16, 2005, Dr. Dénes had indicated to Mr. Ádám Szentpéteri that he would not sign the Declaration, but rather, was waiting for the outcome of Biorex-related negotiations having to do in part with a dispute over inventor remuneration (payment to inventors for their contribution to inventions) and disputes between other parties with interests in Biorex assets.

9. On July 6, 2005, Mr. Ádám Szentpéteri, Mr. Benjamin Levin, General Counsel of CytRx and Dr. Barbara Ruskin of Ropes & Gray LLP (the undersigned) met with Dr. Dénes in Budapest, Hungary. At that meeting, the undersigned presented to Dr. Dénes a copy of the Application as filed and a copy of the Declaration for Dr. Dénes' signature. Dr. Dénes acknowledged that he is an inventor of subject matter disclosed and claimed in the Application. Dr. Dénes again declined to sign the Declaration and repeated that he is waiting for the outcome of certain ongoing negotiations and settlements in Hungary before he will cooperate. Dr. Dénes stated that, depending on the outcome of the negotiations, he is willing to be rejoined as an inventor of the Application.

10. As of July 25, 2005, Dr. Dénes has failed to sign the Declaration and provide the same to SBGK or to CytRx. Therefore, it is concluded that Dr. Dénes' conduct constitutes a refusal to sign the application declaration.

11. The undersigned is personally knowledgeable of the above facts based on having worked personally on this matter with Mr. Ádám Szentpéteri and based on having met with the inventor, Dr. Dénes.

Dated: July 25, 2005

Respectfully submitted,

By Barbara A. Ruskin  
Barbara A. Ruskin (Registration No. 39,350)  
Fish & Neave IP Group  
Ropes & Gray LLP  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 596-9000  
(212) 596-9090 (Fax)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV619645335US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 25, 2005

Signature: Linda Blake  
(Linda Blake)

Docket No.: CytRx/016  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Csakai et al.

Application No.: 10/501,029

Confirmation No.: 3625

International Filing Date: January 10, 2003

Art Unit: Not Yet Assigned

Title: Carboxamidine Derivatives and Their Use in the  
Treatment of Vascular Diseases

Examiner: Not Yet Assigned

**PETITION UNDER 37 CFR 1.47(a)**

MS PCT  
PCT Legal Administrator  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Dr. László Dénes is a co-inventor with Ms. Zita Jegesné Csákai, Ms. Ede Márványos, Dr. László Ürögdi, and Ms. Magdolna Bathóné Török of the above-identified application ("the Application").

2. Dr. Dénes so far has refused to execute a declaration in accordance with either 37 CFR 1.66 or 37 CFR 1.68, and consequently, a declaration that complies with 37 CFR 1.497(a) and (b) ("the Declaration") has not been filed with the United States Patent and Trademark Office.

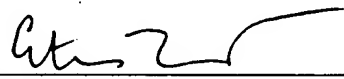
3. Dr. Dénes' refusal to sign the Declaration, after numerous requests, will result in irreparable damage to other inventors of the Application, to Biorex (the assignee of the Application at the filing date) and to CytRx Corporation (to whom Biorex assigned the Application in October 2004) because the Application will become abandoned unless the Petition under 37 CFR 1.47(a) is granted. Such abandonment could result in the loss of U.S. and international proprietary rights in and to the technology embraced by the Application.

4. A Statement of Facts by Dr. Barbara A. Ruskin to support the conclusion that Dr. Dénes' behavior constitutes a refusal to sign the Declaration; and a declaration in compliance with 37 CFR 1.68 signed by the co-inventors Ms. Zita Jegesné Csákai, Ms. Ede Márványos, Dr. László Ürögdi, and Ms. Magdolna Bathóné Török are enclosed herewith.

The petition fee of \$130 under 37 CFR 1.17(h) is enclosed herewith. If additional fees are due with this response, please charge our Deposit Account No. 18-1945, under Order No. CytRx/016 from which the undersigned is authorized to draw.

Dated: July 25, 2005

Respectfully submitted,

By   
Erika Takeuchi  
Registration No.: 55,661  
Barbara A. Ruskin  
Registration No.: 39,350  
ROPES & GRAY LLP  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 596-9000  
(212) 841-5725 (Fax)  
Attorneys/Agents For Applicant